APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/634,122	04/19/1996	MOTOKI KATO	SONY-C4021	8800

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EXAMINER
RAO, ANAND SHASHIKANT

ART UNIT	PAPER NUMBER
2613	46

DATE MAILED: 04/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>27 December 2002</u> .

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>15-22</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>15-22</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All b)☐ Some * c)☐ None of:

        1.☒ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____ .

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)	4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) ☐ Notice of Informal Patent Application (PTO-152)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .	6) ☐ Other: .

DETAILED ACTION

Continued Prosecution Application

1.   The request filed on 12/07/02 as Paper 44 for a Continued Prosecution Application

(CPA) under 37 CFR 1.53(d) based on parent Application No. 08/634,122 is acceptable and a

CPA has been established. An action on the CPA follows.

2.   As per the Applicant's instructions filed in Paper 45, claims 1-3, 5-10, and 12-14 have

been canceled, and claims 15-22 have been added.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

4.   Claims 15-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Raychaudhuri et al., (hereinafter referred to as "Raychaudhuri") in view of Behlen.

        Raychaudhuri discloses a picture encoding method for generating a bit stream being

compatible with MPEG 1 moving picture video standard (Raychaudhuri: column 9, lines 5-35)

comprising at least a header of a specified layer of the bitstream (Raychaudhuri: column 5, lines

1-40) and extension data added when a header includes more control data than is prescribed for a

header according to the MPEG standard (Raychaudhuri: column 4, lines 50-60), the method

comprising: storing extension data of an anterior header of said specified layer (Raychaudhuri:

column 4, lines 50-60); comparing an extension of a current header of said specified layer to an

extension of said anterior header (Raychaudhuri: column 14, lines 5-15; column 16, lines 15-20);

and transmitting, when said extension of said current header is different from the extension of

said anterior header, the extension of said current header and an extension start code indicating

the beginning of the extension of said current header (Raychaudhuri: column 4, lines 55-60); an

not transmitting, when the extension of said current header is the same as the extension of said

anterior header, the extension of said current header and an extension start code indicating the

beginning of said extension of said current header (Raychaudhuri: column 14, lines 10-20), as in

claim 15. However, Raychaudhuri fails to disclose the use an extension byte as a part of the

extension, as in the claims. Behlen discloses that it is known to use an extension byte as a part of

a VLC codeword (Behlen: column 14, lines 25-30) in order to represent control code words

(Behlen: column 13, lines 20-40) in DPCM compressed video (Behlen: column 1, lines 20-47).

Accordingly, it would have been obvious for one of ordinary skill in the art to incorporate the use

of the Behlen's teaching of inserting an extension byte into the disclosed extension headers of

Raychaudhuri in order to implement additional control codewords into the Raychaudhuri

method. The Raychaudhuri method, now incorporating the Behlen teaching of using extension

bytes, has all of the features of claim 15.

Regarding claim 16, the Raychaudhuri method, now incorporating the Behlen teaching of

using extension bytes, has the specified layer being a picture layer (Raychaudhuri: column 5,

lines 5-10), as in the claim.

Raychaudhuri discloses a picture decoding method for decoding a bit stream being

compatible with MPEG 1 moving picture video standard (Raychaudhuri: column 9, lines 5-35)

comprising at least a header of a specified layer of the bitstream (Raychaudhuri: column 5, lines

1-40) and extension data added when a header includes more control data than is prescribed for a

header according to the MPEG standard (Raychaudhuri: column 4, lines 50-60), the method

comprising: storing extension data of an anterior header of said specified layer (Raychaudhuri:

column 4, lines 50-60); and decoding said bit stream, wherein data related with a current header

data of said specified layer is decoded using the extension of said anterior header when said

current header does not include an extension start code indicating the beginning of the extension

of said current header (Raychaudhuri: column 14, lines 10-20), as in claim 17. However,

Raychaudhuri fails to disclose the use an extension byte as a part of the extension, as in the

claims. Behlen discloses that it is known to use an extension byte as a part of a VLC codeword

for decoding (Behlen: column 14, lines 25-30) in order to represent decoding control code words

(Behlen: column 13, lines 20-40) in DPCM compressed video (Behlen: column 1, lines 20-47).

Accordingly, it would have been obvious for one of ordinary skill in the art to incorporate the use

of the Behlen's teaching of inserting an extension byte into the disclosed extension headers of

Raychaudhuri in order to implement additional control codewords into the Raychaudhuri

method. The Raychaudhuri method, now incorporating the Behlen teaching of using extension

bytes, has all of the features of claim 17.

Regarding claim 18, the Raychaudhuri method, now incorporating the Behlen teaching of

using extension bytes, has the specified layer being a picture layer (Raychaudhuri: column 5,

lines 5-10), as in the claim.

Raychaudhuri discloses a picture encoding apparatus for generating a bit stream being

compatible with MPEG 1 moving picture video standard (Raychaudhuri: column 9, lines 5-35)

comprising at least a header of a specified layer of the bitstream (Raychaudhuri: column 5, lines

1-40) and extension data added when a header includes more control data than is prescribed for a

header according to the MPEG standard (Raychaudhuri: column 4, lines 50-60), the apparatus

comprising: means for storing extension data of an anterior header of said specified layer

(Raychaudhuri: column 4, lines 50-60); means for comparing an extension of a current header of

said specified layer to an extension of said anterior header (Raychaudhuri: column 14, lines 5-15;

column 16, lines 15-20); and means for transmitting, when said extension of said current header

is different from the extension of said anterior header, the extension of said current header and an

extension start code indicating the beginning of the extension of said current header

(Raychaudhuri: column 4, lines 55-60); an not transmitting, when the extension of said current

header is the same as the extension of said anterior header, the extension of said current header

and an extension start code indicating the beginning of said extension of said current header

(Raychaudhuri: column 14, lines 10-20), as in claim 19. However, Raychaudhuri fails to disclose

the use an extension byte as a part of the extension, as in the claims. Behlen discloses that it is

known to use an extension byte as a part of a VLC codeword (Behlen: column 14, lines 25-30) in

order to represent control code words (Behlen: column 13, lines 20-40) in DPCM compressed

video (Behlen: column 1, lines 20-47). Accordingly, it would have been obvious for one of

ordinary skill in the art to incorporate the use of the Behlen's teaching of inserting an extension

byte into the disclosed extension headers of Raychaudhuri in order to implement additional

control codewords into the Raychaudhuri apparatus. The Raychaudhuri apparatus, now

incorporating the Behlen teaching of using extension bytes, has all of the features of claim 19.

Regarding claim 20, the Raychaudhuri apparatus, now incorporating the Behlen teaching

of using extension bytes, has the specified layer being a picture layer (Raychaudhuri: column 5,

lines 5-10), as in the claim.

Raychaudhuri discloses a picture decoding apparatus for decoding a bit stream being

compatible with MPEG 1 moving picture video standard (Raychaudhuri: column 9, lines 5-35)

comprising at least a header of a specified layer of the bitstream (Raychaudhuri: column 5, lines

1-40) and extension data added when a header includes more control data than is prescribed for a

header according to the MPEG standard (Raychaudhuri: column 4, lines 50-60), the apparatus

comprising: means for storing extension data of an anterior header of said specified layer

(Raychaudhuri: column 4, lines 50-60); and means for decoding said bit stream, wherein data

related with a current header data of said specified layer is decoded using the extension of said

anterior header when said current header does not include an extension start code indicating the

beginning of the extension of said current header (Raychaudhuri: column 14, lines 10-20), as in

claim 21. However, Raychaudhuri fails to disclose the use an extension byte as a part of the

extension, as in the claims. Behlen discloses that it is known to use an extension byte as a part of

a VLC codeword for decoding (Behlen: column 14, lines 25-30) in order to represent decoding

control code words (Behlen: column 13, lines 20-40) in DPCM compressed video (Behlen:

column 1, lines 20-47). Accordingly, it would have been obvious for one of ordinary skill in the

art to incorporate the use of the Behlen's teaching of inserting an extension byte into the

disclosed extension headers of Raychaudhuri in order to implement additional control codewords

into the Raychaudhuri apparatus. The Raychaudhuri apparatus, now incorporating the Behlen

teaching of using extension bytes, has all of the features of claim 21.

Regarding claim 22, the Raychaudhuri apparatus, now incorporating the Behlen teaching

of using extension bytes, has the specified layer being a picture layer (Raychaudhuri: column 5,

lines 5-10), as in the claim.

Conclusion

5.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Andy S. Rao whose telephone number is (703)-305-4813. The

examiner can normally be reached on Monday-Friday 8 hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Chris S. Kelley can be reached on (703)-305-4856. The fax phone numbers for the

organization where this application or proceeding is assigned are (703)-308-6606 for regular

communications and (703)-308-6606 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the receptionist whose telephone number is (703)-305-4700.

Andy S. Rao
Primary Examiner
Art Unit 2613

ANDY RAO
PRIMARY EXAMINER

asr
April 15, 2003